

Application Serial No. 10/595,684
Amendment dated March 29, 2010
Reply to Final Action dated September 29, 2009

REQUEST FOR CONTINUED EXAMINATION

This Request for Continued Examination is being filed in response to a Final Office Action mailed on September 29, 2009. A request for three-month extension of time is hereby requested.

Remarks begin on page 2 and amended claims on page 4.

REMARKS

A Final Office Action mailed on September 29, 2010, acknowledged that claims, 22-24, 28 and 31-44 are pending in the application. The Action also rejected pending claims 22-24, 28 and 42-44, under 35 U.S.C. section 103 over Shibata (EP 83J5654A1) in view of Ron (US 5,122,367) and further in view of Shefer, et al. (US2003/0195133).

Applicant hereby submits amended claims 22 and 44 and withdraws claims 42-43 from consideration at this time. Accordingly, claims 1-21 and 25-27 have been cancelled, claims 23-24, 28-41 and 42-43 are withdrawn and claims 22 and 44 are currently amended.

Currently amended claim 22 and claim 44, which depends there from, recite aspects of the invention including using the inventive compositions to deliver somatotropin in combination with a nutritional additive and an antioxidant. Moreover, the procedure of claim 22 includes a granulation that prevents various components of the formulation from interacting with one another and provides a granulation suitable for delivering the components of the granulation into the digestive tract of a human or an animal.

The Action states that, "Shibata does not teach embedding HGH in a galactomannan and/or a glucomannan; neither does Shibata teach the nutritional materials comprises antioxidant coenzyme Q10." Action, p. 4 Shibata does not teach the components of the Applicant's invention or imply the additional inventive aspects of Applicant's of claim 22 which includes a granulation that includes both somatotropin and a least one addition compound present in the same granulate such that the somatotropin does not interact in with the other biologically active components of the granulate.

Application Serial No. 10/595,684
Amendment dated March 29, 2010
Reply to Final Action dated September 29, 2009

Accordingly to the Action, "Ron *et al.*, teaches a simple polysaccharide such as sucrose is used both as a stabilizer, to hinder denaturation and to increase the thermal stability of the growth hormone and to moderate the release rate of the growth hormone from the bioerodible controlled release device." Action, p. 4. Nothing in Ron would lead one of ordinary skill in the art to formulate a single granulation that both includes somatotropin and other bioactive materials and separates the same from one another until they are released in the digestive tract of a human or an animal.

Various aspects of Shefer teaches nanosphere that burst upon heating in to release their contents. Shefer then, teaches away from the Applicant's claimed invention in that somatotropin is heat sensitive and formulation that requires heat to release somatotropin is inconsistent with the use of this compound.

Taken singularly and together the cited art does not teach all of the limitations of the amended claim 22 nor they teach or infer the benefits of the composition of amended claim 22. Accordingly, amended claims 22 and 44 are not obvious over the art and should be found in condition for allowance.

As this application is believed to be in allowable form, and an indication of the same from the Examiner is respectfully requested. If there are any outstanding issues that the Examiner believes can best be addressed by telephone the Examiner is respectfully invited to call the under signed.

Application Serial No. 10/595,684
Amendment dated March 29, 2010
Reply to Final Action dated September 29, 2009

In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

/John J. Emanuele/

John J. Emanuele
Registration No. 51,653

Attorney for Applicants

JJE

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Date: March 29, 2010